

Exhibit A

In The Matter Of:

*CELLULAR COMMUNICATIONS EQUIPMENT LLC VS
APPLE, INC., ET AL*

September 9, 2016

Original File 9916 Cce V Apple.txt
Min-U-Script® with Word Index

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION		Page 1
1 CELLULAR COMMUNICATIONS 2 EQUIPMENT, LLC)	
3) DOCKET NO. 6:14cv251	
4	-vs-)
5)	Tyler, Texas
6)	8:33 a.m.
7	APPLE INC., ET AL	September 9, 2016
8	TRANSCRIPT OF TRIAL BEFORE THE HONORABLE K. NICOLE MITCHELL, UNITED STATES MAGISTRATE JUDGE	
9	A P P E A R A N C E S	
10	FOR THE PLAINTIFF:	
11	MR. BRADLEY W. CALDWELL MR. JOHN AUSTIN CURRY CALDWELL CASSADY & CURRY 2101 Cedar Springs Rd., Suite 1000 Dallas, Texas 75201	
12	MR. EDWARD R. NELSON III NELSON BUMGARDNER PC 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107	
13	MR. J. WESLEY HILL WARD, SMITH & HILL PLLC 1507 Bill Owens Parkway Longview, Texas 75604	
14	COURT REPORTER: MS. CHRISTINA L. BICKHAM, CRR, RMR FEDERAL OFFICIAL COURT REPORTER 300 Willow, Ste. 221 Beaumont, Texas 77701	
15	Proceedings taken by Machine Stenotype; transcript was produced by a Computer.	
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17	Page 2	
18	FOR THE DEFENDANTS:	
19	MR. DOUGLAS E. LUMISH MR. JEFFREY G. HOMRIG MS. LISA K. NGUYEN MR. BRETT M. SANDFORD LATHAM & WATKINS LLP 140 Scott Dr. Menlo Park, California 94025-1008	
20	7 MR. JOSEPH H. LEE LATHAM & WATKINS LLP 650 Town Center Drive, 20th Floor Costa Mesa, California 92626-1925	
21	10 MR. ERIC H. FINDLAY FINDLAY CRAFT PC 11 102 N. College Avenue, Suite 900 Tyler, Texas 75702	
22	13	
23	14 *****	
24	15 P R O C E E D I N G S	
25	16 (Jury out.)	
17	THE COURT: I know we've got a few issues to take	
18	up this morning before we bring in the jury. I also want to	
19	give you your trial times as of the end of the day yesterday.	
20	Plaintiff has used 6 hours and 51 minutes.	
21	Defendant has used 5 hours and 1 minute. And that's just on	
22	the jury issues.	
23	So what's the first thing we need to take up?	
24	MR. LUMISH: The first issue for me, Your Honor --	
25	and this is Doug Lumish for Apple -- is Mr. Stattin's lawyer	
1	1 told me yesterday that he needs to fly home to Sweden 2 tomorrow. I have discussed it with Mr. Hill.	
3	3 I think we have a solution that works for both of 4 us, which we hope will work for the Court, which is they will	
5	5 start with Ms. Mewes today. I understand their examination 6 sounds like it will be about a half an hour.	
7	7 We'll do some redirect with Ms. Mewes, but if it 8 looks like it's going to go longer than would allow	
9	9 Mr. Stattin to go up and down today, we'd like to state to	
10	10 the Court that we're going to reserve the rest of our 11 questions, we have more questions for her, but that we're	
11	12 going to reserve them in order to let Mr. Stattin go and get	
12	13 home to Sweden, give them a chance to rest, call Mr. Stattin	
13	14 and then go back to our witnesses and our case-in-chief.	
14	15 THE COURT: Any objection?	
15	16 MR. HILL: No, Your Honor.	
16	17 THE COURT: Okay. That's great.	
17	18 MR. LUMISH: There's -- we were waiting for a 19 ruling from you on the key deposition designations which	
18	20 we'll need to play the video at some point, but I don't think	
19	21 you need to do that at this moment, Your Honor.	
20	22 THE COURT: Let me hear argument on that again.	
21	23 I've reviewed the deposition. I've gotten notice from	
22	24 you-all in light of the testimony yesterday.	
23	25 MR. LUMISH: It's fairly straightforward. He's the	
1	Page 4	
2	1 CEO of CCE. He's the only CCE witness that would be	
3	2 appearing in this case. We think the jury should hear from	
4	3 him.	
5	4 There's been an effort -- and I think we'll see 6 more of an effort when our witnesses appear -- to paint them	
6	6 as having been cavalier or negligent about the way they went	
7	7 about this case; that they didn't review source code	
8	8 sufficiently; that they didn't do the things that CCE thinks	
9	9 they should have done in response to this case. And I think	
10	10 it's only fair to have some balance in that.	
11	11 Mr. Key is the person who was sending letters back	
12	12 and forth to Apple. He's the one who's at the top of the	
13	13 letterhead, as it were, on this case and this company. And	
14	14 this testimony goes to some of that.	
15	15 In addition, it just is relevant to damages issues 16 as much as anything else. They have presented the '820	
16	17 patent as if it were the crown jewel and the most important	
17	18 thing in the CCE portfolio. And we think it's very clear	
18	19 from Mr. Key's testimony that he didn't, at least, observe	
19	20 that or -- or believe that.	
20	21 THE COURT: Okay. Response.	
21	22 MR. HILL: Thank you, Your Honor. Wesley Hill for	
22	23 the Plaintiff.	
23	24 Your Honor, we oppose the playing of Mr. Key's	
24	25 deposition, for a couple reasons.	

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<p>1 Q. And is this an e-mail you actually sent on or around 2 October 22nd, 2007, sir?</p> <p>3 A. I believe that's correct.</p> <p>4 Q. The attachments referenced something called: MAC LTE 5 workshop v3.</p> <p>6 What is the MAC LTE workshop?</p> <p>7 A. The MAC LTE workshop was an ad hoc that Ericsson 8 arranged in Helsinki in October 2007 to try to progress some 9 matters related to the 36.321 specification.</p> <p>10 Q. And why were you forwarding slides -- well, let me ask 11 you this: There's a number of people listed in the "to" line 12 of the e-mail in the address. So were those the people 13 involved in the workshop?</p> <p>14 A. Those were some of the people involved in the workshop, 15 those that I had the e-mail addresses of readily available.</p> <p>16 Q. Are there other people that participated in the workshop 17 that you know of or can remember now, that aren't listed 18 there in the e-mail addresses? Mr. Sebire listed out who all 19 these people are.</p> <p>20 A. Yes. There are more people that were present at that 21 workshop. There were a number of more delegates or 22 representatives from Nokia and NSN.</p> <p>23 Q. Do you remember any particular names that aren't listed 24 here?</p> <p>25 A. From the top of my head, I recognize -- or I can't --</p>	<p>1 Q. (By Mr. Lumish) So it will be the next page of your 2 exhibit if you're looking on the paper, sir.</p> <p>3 And Mr. Schmoller is highlighting exactly what I wanted 4 to show you here, which is down towards the bottom, a 5 reference to when -- it says: BSR is triggered when UL-SCH 6 resources are allocated and number of padding bits is larger 7 than the BSR size.</p> <p>8 Do you see that statement, sir?</p> <p>9 A. I see that.</p> <p>10 Q. Can you tell me, first of all, what padding bits means 11 to you?</p> <p>12 A. Padding bits is -- they are bits, which are not filled 13 with data. So they are leftovers, and they aren't used for 14 any particular purpose. They just -- we need to fill the 15 protocol data unit up to the size that is expected by lower 16 layers in the mobile device.</p> <p>17 And to do that, we add some bits, put them 0's or 1's or 18 a mix of 0's or 1's. It depends on how it is specified.</p> <p>19 Q. You mentioned a protocol data unit. What is that?</p> <p>20 A. That is the -- the units are blocks that are produced by 21 the protocol layer and sent further down in the protocol 22 stack to the lower layers to transmit them over the air.</p> <p>23 Q. Is a protocol unit a type of packet, data packet?</p> <p>24 A. Yes. We actually -- we have these service data units 25 and protocol data units.</p>
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<p>1 yes -- Malkamaki and Lars Dalsgaard.</p> <p>2 Q. Just like it sounds?</p> <p>3 A. I believe so.</p> <p>4 Q. Would you mind spelling it, please, sir?</p> <p>5 A. Sorry. I cannot spell it.</p> <p>6 Q. Okay.</p> <p>7 A. Lars is spelled L-A-R-S. The last name, I regret I 8 don't recall how to spell it.</p> <p>9 Q. Okay. We're in the same boat.</p> <p>10 MR. LUMISH: So let's turn to the slides, if we 11 could. If we can go to Page 2 of this exhibit, 754, Page 2.</p> <p>12 Q. (By Mr. Lumish) You see again a reference to the MAC LTE 13 workshop, and there's dates there, 22nd through 23rd, October 14 2007. What do those dates mean to you?</p> <p>15 A. Those dates are the dates where we had our discussions 16 on our LTE workshop.</p> <p>17 Q. And there's an Ericsson logo on these slides in the 18 bottom right corner. Do you know why that's there?</p> <p>19 A. It's there because I produced this summary of our 20 discussions.</p> <p>21 Q. So are these slides that you yourself created then, sir?</p> <p>22 A. I created these slides, and possibly there's maybe input 23 from both Ericsson and other companies on them. But I 24 created the slides.</p> <p>25 MR. LUMISH: Can we turn to DTX-754, Page 3?</p>	<p>1 Service data units is where data from higher layers, 2 from above, potentially user data, is coming in.</p> <p>3 And protocol data units are where, after you have 4 processed them and put them together in a certain format or 5 arranged many different SDUs and some internal control 6 information, and then you output them as PDUs, protocol data 7 units. That's on the sending side.</p> <p>8 On the receiving side, it's the opposite. Then you're 9 receiving the protocol data units, and then you demultiplex 10 and disassemble them and out comes service data units that 11 you are sending further up.</p> <p>12 Q. Does the number of padding -- let me ask you a different 13 question. I'll withdraw that.</p> <p>14 Are you familiar with something called the uplink grant 15 that would be provided to a phone or a tablet?</p> <p>16 A. Yes.</p> <p>17 Q. And can you tell us just briefly what your understanding 18 of an uplink grant is?</p> <p>19 A. An uplink grant is an indication that the mobile device, 20 the mobile phone or the tablet, has a right or permission to 21 send something from the mobile device to the network. It 22 describes how much data and in which -- how it should be 23 encoded.</p> <p>24 Q. So, if the uplink grant says how much data can be sent, 25 does that relate in any way to the number of padding bits</p>

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<p>1 that may be found in a PDU or those protocol data unit 2 packets?</p> <p>3 A. Yes. If, for instance, the grant says that the UE, or 4 the mobile device, should send 800 bits worth of data, and 5 there's only data maybe in some 700 bits in the terminal that 6 needs to be sent, then you'll have to add a hundred bits of 7 padding.</p> <p>8 Q. So the jury has heard a fair bit about something called 9 a padding BSR or a padding buffer status report. Are you 10 familiar with that concept?</p> <p>11 A. I -- strictly speaking, there is no padding buffer 12 status report.</p> <p>13 Q. Are you familiar with the concept in the standard of 14 putting a buffer status report in a protocol data unit packet 15 to replace padding bits?</p> <p>16 A. Yes, I am.</p> <p>17 Q. Do you call that by any particular name?</p> <p>18 A. We call it buffer status report triggered by padding or 19 for padding --</p> <p>20 Q. Okay.</p> <p>21 A. -- for padding purposes.</p> <p>22 Q. In the case we've been referring to that as a padding 23 buffer status report. So if I do that again, you'll know at 24 least what I'm talking about.</p> <p>25 The sentence that we have up on the screen: BSR is</p>	<p>1 You're familiar with long and short form buffer status 2 reports, I assume?</p> <p>3 A. Yes, I am.</p> <p>4 Q. If you tried to send a long form buffer status report to 5 replace padding bits and it didn't fit, what would be the 6 logical thing to do, in your mind?</p> <p>7 A. I would think that --</p> <p>8 MR. CALDWELL: Objection, Your Honor.</p> <p>9 A. -- the short --</p> <p>10 MR. CALDWELL: Objection, Your Honor.</p> <p>11 THE COURT: Mr. Stattin, hold on just a second -- Dr. Stattin.</p> <p>12 MR. CALDWELL: He's offering expert testimony that 13 hasn't been disclosed. We can approach if you would like.</p> <p>14 THE COURT: Yeah, do.</p> <p>15 (Bench conference.)</p> <p>16 THE COURT: Okay.</p> <p>17 MR. CALDWELL: Mr. Lumish asked him a question that 18 was -- this isn't disclosed here, so what would be the 19 logical next step in your mind?</p> <p>20 So he's asking him to make sort of an obviousness 21 type extension of what's in the document, and that hasn't 22 been disclosed.</p> <p>23 Just so you know, this man is literally not on 24 their Rule 26 disclosures at all. The only reason he's even</p>
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<p>1 triggered when the UL-SCH resources are allocated and number 2 of padding bits is larger than the BSR size.</p> <p>3 Is there a check here to determine the space available 4 in the protocol data unit or the uplink grant to determine 5 whether the buffer status report should be triggered and 6 sent?</p> <p>7 A. Sorry. Could you repeat the first part of the question?</p> <p>8 Q. Sure. It was long. I apologize.</p> <p>9 Does the sentence I read relate to checking the space 10 that's available in the uplink grant as it's reflected in the 11 PDU?</p> <p>12 A. Yes.</p> <p>13 Q. In what way?</p> <p>14 A. To know whether a buffer status report would fit in the 15 PDU, but in the place of padding you would need to check how 16 many bits are not used yet.</p> <p>17 Q. If you tried to fit a buffer status report into the 18 protocol data unit packet, that PDU packet, and there were 19 not enough padding bits, what would happen?</p> <p>20 A. You couldn't fit the entire report.</p> <p>21 Q. Can you say that again? I'm sorry?</p> <p>22 A. You couldn't fit the entire report.</p> <p>23 Q. What would the logical thing -- well, let me ask you a 24 different question.</p> <p>25 If you tried to first send -- let me start over.</p>	<p>1 here period is because we're not going to raise tick-tack 2 stuff. They incorporated by reference -- they incorporated 3 by reference AT&T's -- or T-Mobile's, and I think one of them 4 just says, you know, he was around for the 3GPP. That's 5 fine.</p> <p>6 But, I mean, the extension to try to draw 7 inferences that should have been disclosed. And we, 8 obviously, have a motion in limine on the expert testimony 9 extensions.</p> <p>10 MR. LUMISH: I'm not offering it as expert 11 testimony. I'm not asking him to give an opinion. I'm 12 asking as a percipient fact witness of ordinary skill in the 13 art how he reads the document.</p> <p>14 THE COURT: I'm not going to let him go into what's 15 the logical next step --</p> <p>16 MR. LUMISH: Okay. Thank you. (Bench conference concluded.)</p> <p>17 MR. CALDWELL: Your Honor, I know that he began 18 answering that, and I don't know if we were talking over what 19 the transcript looks like; but obviously, we -- I would like 20 to clarify that the question and answer are stricken from the 21 record. Because I was paying attention to you. I wasn't 22 aware of how much he was starting to answer to the --</p> <p>23 THE COURT: Okay. The jury will disregard the last 24 question and answer.</p>

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<p>1 Let's continue, Mr. Lumish.</p> <p>2 MR. LUMISH: Thank you, your Honor.</p> <p>3 Q. (By Mr. Lumish) Can we turn to Defendants' Exhibit</p> <p>4 DTX-756 in your binder, sir? We'll bring up the cover of</p> <p>5 that on the screen for you as well.</p> <p>6 We have the same e-mail address issue here, but do you</p> <p>7 recognize this e-mail, sir?</p> <p>8 A. Yes, I do.</p> <p>9 Q. It says in the subject -- or in the body there it says:</p> <p>10 Dear all, please find the raw slides from today.</p> <p>11 How do you pronounce that name that I see there?</p> <p>12 A. Janne.</p> <p>13 Q. Janne?</p> <p>14 A. Janne.</p> <p>15 Q. Janne, okay. I'll do my best. I apologize.</p> <p>16 And who is that person?</p> <p>17 A. Janne was the head of our RAN2 delegation.</p> <p>18 Q. And was Janne part of -- what's the last name? Let me</p> <p>19 ask that first.</p> <p>20 A. Peisa.</p> <p>21 Q. Peisa. And it's Mr. Peisa?</p> <p>22 A. It's Dr. Peisa.</p> <p>23 Q. Dr. Peisa.</p> <p>24 Was Dr. Peisa involved in the MAC LTE workshop?</p> <p>25 A. He was.</p>	<p>1 But these slides, I believe, capture those things which</p> <p>2 were agreed.</p> <p>3 Q. What was the process you went through in trying to reach</p> <p>4 consensus among the workshop members? Can you describe for</p> <p>5 us, and maybe put us in the moment, of what you guys were</p> <p>6 doing and how -- how you were doing it, please?</p> <p>7 A. It was a long time ago; but as usual, at these kind of</p> <p>8 meetings, we presented the views. I presented part of the</p> <p>9 views from Ericsson.</p> <p>10 I -- if I recall correctly, Janne presented some other</p> <p>11 views from Ericsson on another topic.</p> <p>12 Other companies presented their views and their</p> <p>13 preferred solutions. And then we had long discussions on the</p> <p>14 pros and cons of different solutions and whether we could</p> <p>15 sort of align on particular solutions so that we could show</p> <p>16 that we had a common understanding of where to go with the</p> <p>17 standard.</p> <p>18 Q. Did -- did everybody in the workshop contribute to the</p> <p>19 ideas that were being provided or was it a smaller subset?</p> <p>20 A. I believe all companies at the workshop contributed to</p> <p>21 the discussions.</p> <p>22 Q. And did you personally contribute to the discussions?</p> <p>23 A. I did.</p> <p>24 Q. And did you observe Dr. Peisa contributing to the</p> <p>25 discussions and -- and trying to reach consensus?</p>
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<p>1 Q. And what was his role?</p> <p>2 A. He was arranging it.</p> <p>3 Q. What do you mean by that?</p> <p>4 A. On behalf of Ericsson he contacted the participants and</p> <p>5 invited them to the workshop. And he arranged the meeting</p> <p>6 venue so that we could be where we were. And he also -- I</p> <p>7 believe he chaired the meeting and provided notes and minutes</p> <p>8 from the meeting.</p> <p>9 Q. So was -- who had the original idea, then, for the MAC</p> <p>10 LTE workshop?</p> <p>11 A. It was an Ericsson idea.</p> <p>12 Q. Now, there are attachments to this document as well. It</p> <p>13 says: MAC LTE workshop v3.zip.</p> <p>14 Are these the same slides that we saw before, or are</p> <p>15 they different somewhat?</p> <p>16 A. These, I believe, are different. These are the output</p> <p>17 from the entire workshop.</p> <p>18 Q. And what do you mean by that? What's the -- what do you</p> <p>19 mean by the output from the entire workshop?</p> <p>20 A. They -- they captured the agreements made during the</p> <p>21 workshop. On some topics we were able to draw some</p> <p>22 conclusions and companies could -- could agree on a common</p> <p>23 solution.</p> <p>24 On certain other topics or details, there was no</p> <p>25 consensus.</p>	<p>1 A. I did.</p> <p>2 Q. Can I ask you to look at DTX-756, Page 9, please? And</p> <p>3 we'll bring it up on the screen.</p> <p>4 There is a reference down towards the bottom. It says:</p> <p>5 Would prefer two formats: Single byte format when only</p> <p>6 one radio bearer has data to transmit; multi-byte format when</p> <p>7 only several radio bearers have data.</p> <p>8 Now, the jury has heard, I think, quite a bit about long</p> <p>9 and short form buffer status reports. Does this -- these</p> <p>10 statements here about formats relate to the notion of long</p> <p>11 and short form buffer status reports?</p> <p>12 A. In my opinion, yes, they do.</p> <p>13 Q. In what way?</p> <p>14 A. A single byte format is a shorter format than the</p> <p>15 multi-byte format.</p> <p>16 Q. And can you tell from the description here when one</p> <p>17 would use a single byte format versus a multiple byte format</p> <p>18 in the context of the workshop discussions?</p> <p>19 A. Yes. This would indicate that in case there is data on</p> <p>20 only radio bearer or radio bearer group, then you would use</p> <p>21 the single byte format to avoid the overhead of reporting</p> <p>22 that there is no data on the other bearers.</p> <p>23 And in case -- the second sub-bullet. In case you would</p> <p>24 have data on multiple radio bearers or radio bearer groups,</p> <p>25 then the multi-byte format would be used to convey</p>

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<p>1 information about the data available on more than one group.</p> <p>2 Q. At the very top of the slide, it says: Buffer Status</p> <p>3 Reporting. The buffers aren't mentioned in the sentences</p> <p>4 we've highlighted on the center of the screen there.</p> <p>5 When you talk about radio bearers and radio bearer</p> <p>6 groups, does that relate to buffers and the status reports</p> <p>7 for those buffers?</p> <p>8 A. Yes, it does.</p> <p>9 And, generally, it was understood that there could be</p> <p>10 radio bearers and logical channels and queues and buffers.</p> <p>11 And each queue or radio bearer or logical channel would</p> <p>12 have a buffer. And consequently, also, if you group the</p> <p>13 radio bearers and logical channels, there would be a buffer</p> <p>14 for the group of bytes.</p> <p>15 Q. Let me ask you, please, to turn to Page 11. So DTX-756,</p> <p>16 Page 11. We'll bring that up on the screen for you.</p> <p>17 This slide starts with High-Level Format Summary. And</p> <p>18 in the middle of the slide, it says: 2 formats. Can you</p> <p>19 tell from the slide, sir, what is -- what things or formats</p> <p>20 are being referred to here? Is it buffer status reports or</p> <p>21 something else?</p> <p>22 A. It's buffer status report formats.</p> <p>23 Q. So in the first part, it says: 2 formats, 1 byte format</p> <p>24 with Group-ID + Absolute size. And then it's -- the thing in</p> <p>25 parentheses is what I want to ask you about.</p>	<p>1 Q. That was my question. I wasn't sure if it related to</p> <p>2 the format selection or not.</p> <p>3 Now, the next sentence says -- or the next bullet says:</p> <p>4 How to choose the format.</p> <p>5 Is this then describing the selection criteria for</p> <p>6 choosing long versus short?</p> <p>7 A. Yes.</p> <p>8 Q. And it says: How to choose the format. Based on how</p> <p>9 many groups need to report, based on amount of data in the</p> <p>10 buffer.</p> <p>11 When it says: Based on how many groups need to report,</p> <p>12 how do you read this slide in the selection criteria for long</p> <p>13 versus short buffer status reports?</p> <p>14 A. I would read this as -- it would depend on how many</p> <p>15 groups were expected to be reported. And then the criteria</p> <p>16 for what is needed to be reported that -- it's a little bit</p> <p>17 vague here, and it -- my understanding is that may be so that</p> <p>18 companies didn't fully agree on the exact criteria at the</p> <p>19 meeting.</p> <p>20 However, there was input to the meeting, as we saw on</p> <p>21 the previous page, on Page 9, I believe it was, where one</p> <p>22 solution was described. And I believe that was the Ericsson</p> <p>23 idea provided to the workshop.</p> <p>24 Q. Tell us again, then, what you believe the Ericsson idea</p> <p>25 provided to the workshop was, as far as the selection</p>

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<p>1 Is that the same short form buffer status report that we</p> <p>2 looked at a couple of slides earlier?</p> <p>3 A. That would be my understanding.</p> <p>4 Q. And what do you read "(if only one group to report)" to</p> <p>5 mean?</p> <p>6 A. That you would use this format if there's data in only</p> <p>7 one group, a radio bearer group or logical channel group.</p> <p>8 Q. And then it says: 3 byte fixed size format.</p> <p>9 Is that the same long form buffer status report we</p> <p>10 talked about earlier?</p> <p>11 A. I believe so.</p> <p>12 Q. And if we jump down just a little bit on the page --</p> <p>13 MR. LUMISH: Mr. Schmoller, could you bring up the</p> <p>14 last two bullets for me, please?</p> <p>15 I want the -- yeah, that one as well. Thank you.</p> <p>16 Q. (By Mr. Lumish) So one says: Only one set of triggers</p> <p>17 for both formats.</p> <p>18 Do you see that?</p> <p>19 A. Yes, I see that.</p> <p>20 Q. What does the word "triggers" mean to you here?</p> <p>21 A. The trigger here, to me, means the events that triggers</p> <p>22 the need or the transmission of a buffer status report. And</p> <p>23 it's not -- this trigger does not describe whether it's going</p> <p>24 to be a long or short. That's described based on the buffer</p> <p>25 status.</p>	<p>1 criteria for choosing short versus long buffer status</p> <p>2 reports.</p> <p>3 A. My understanding is that the Ericsson idea was to report</p> <p>4 data for non-empty radio bearers. And that would be that you</p> <p>5 use a short report if there is data on one group or radio</p> <p>6 bearer, and you use a long format if there is data available</p> <p>7 for transmission on multiple radio bearers or radio bearer</p> <p>8 groups.</p> <p>9 Q. And who put that idea, both on Page 9 and Page 11 of the</p> <p>10 slides, into this PowerPoint that we're looking at as</p> <p>11 Exhibit 756?</p> <p>12 A. I believe Janne Peisa provided these slides, and he may</p> <p>13 have put them there.</p> <p>14 Q. Do you believe it came from Ericsson or from companies</p> <p>15 other than Ericsson?</p> <p>16 A. I believe that the first part on Slide 9, what we</p> <p>17 referred was coming from Ericsson, and the other part on</p> <p>18 Slide 11, that was the output or the contribution at the</p> <p>19 workshop. So that would be the joint.</p> <p>20 Q. And I showed you the dates on the cover before. It was</p> <p>21 October 22nd through 23rd of 2007. Was it the first time --</p> <p>22 was the LTE -- MAC LTE workshop the first time that Ericsson</p> <p>23 had the idea of choosing a long or short buffer status report</p> <p>24 based on the number of radio bearer group buffers that needed</p> <p>25 to report data?</p>

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<p>1 A. No, it was not.</p> <p>2 Q. Do you know when the first time was?</p> <p>3 A. To my understanding, we filed a patent application in</p> <p>4 the summer of 2006 suggesting the use of multiple different</p> <p>5 formats to improve efficiency and precision of buffer status</p> <p>6 reporting.</p> <p>7 THE COURT: Mr. Lumish, in the next few minutes,</p> <p>8 whenever you get to a good stopping point, we need to take</p> <p>9 our morning break.</p> <p>10 MR. LUMISH: Perfect time right now, Your Honor. I</p> <p>11 was about to switch documents.</p> <p>12 Thank you.</p> <p>13 THE COURT: Very good.</p> <p>14 All right. Ladies and Gentlemen of the Jury, we'll</p> <p>15 be in recess until 10:45.</p> <p>16 COURT SECURITY OFFICER: All rise.</p> <p>17 (Jury out.)</p> <p>18 THE COURT: I have to take care of a quick criminal</p> <p>19 matter on our break, so I just need you to make room for our</p> <p>20 incoming attorneys.</p> <p>21 Thank you.</p> <p>22 (Recess.)</p> <p>23 (Jury in.)</p> <p>24 THE COURT: Please be seated.</p> <p>25 Mr. Lumish.</p>	<p>1 the -- the ideas that are provided in Exhibit 569?</p> <p>2 A. Yes. We -- at Ericsson, we reviewed this document that</p> <p>3 was drafted by Mr. Sebire and checked that it was in line</p> <p>4 with the contributions at the workshop.</p> <p>5 Q. And do you feel that you and Ericsson contributed ideas</p> <p>6 to this proposal, this joint proposal to the RAN2 Working</p> <p>7 Group?</p> <p>8 A. Yes, I do.</p> <p>9 Q. What ideas do you believe you helped contribute?</p> <p>10 A. For instance, I believe we contributed the idea to use</p> <p>11 multiple different buffer status reporting formats.</p> <p>12 Q. The --</p> <p>13 MR. LUMISH: If we could turn to Page 2 of the</p> <p>14 exhibit, if you'll look at DTX-569, Page 2, and I'd like the</p> <p>15 text above and below.</p> <p>16 Thank you.</p> <p>17 Q. (By Mr. Lumish) So we've spent a fair amount of time in</p> <p>18 this case on these -- this part of the joint proposal as</p> <p>19 well. And I'll just look at some of the text at the top</p> <p>20 there. It says: Since it is not necessary to report the</p> <p>21 four RBGs always...</p> <p>22 What does that mean to you?</p> <p>23 A. It means that when there is no information about --</p> <p>24 nothing to report on all of these radio bearer groups, it</p> <p>25 could be that they're not -- some of them are not configured</p>
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<p>1 MR. LUMISH: Thank you, your Honor.</p> <p>2 Q. (By Mr. Lumish) Dr. Stattin, I'd like to turn you now to</p> <p>3 DTX-569. And it's a document we've seen several times in</p> <p>4 this case, and it's been referred to, at least by me, as a</p> <p>5 joint proposal with Ericsson and others.</p> <p>6 Do you recognize Exhibit 569?</p> <p>7 A. I do.</p> <p>8 Q. Did you have a role in the creation of Exhibit 569 --</p> <p>9 well, let me ask this, I can tell you're puzzled. Let me</p> <p>10 start with, is there a relationship between this document --</p> <p>11 let me start again.</p> <p>12 Tell me what you understand this document to be.</p> <p>13 A. My understanding is that this document is the output</p> <p>14 from -- or it's capturing the output from the -- this</p> <p>15 workshop and we made a joint contribution to the RAN2 Working</p> <p>16 Group.</p> <p>17 Q. When you say "capturing the output from the workshop,"</p> <p>18 do you mean the MAC LTE workshop we talked about before?</p> <p>19 A. Yes, I do.</p> <p>20 Q. And when you said "we," do you include the people who</p> <p>21 are listed -- or the companies that are listed as sources on</p> <p>22 the top of Exhibit 569?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Did the -- did you at least, and any other people at</p> <p>25 Ericsson by your observation, read and participate in the --</p>	<p>1 or some of -- of that some of them have no data.</p> <p>2 Q. So you have a statement in parentheses there, and I want</p> <p>3 to jump ahead to the end of that line. It says: It is</p> <p>4 proposed to introduce two formats of BSR: One where only one</p> <p>5 RBG is reported and one where all four RBGs are.</p> <p>6 And then it describes the number of bits and refers to</p> <p>7 the figures below it. Do you see that?</p> <p>8 A. I see that.</p> <p>9 Q. And did Ericsson have any role in the text I just read</p> <p>10 and the figures that we see below of the short and long form</p> <p>11 buffer status report?</p> <p>12 A. It looks consistent with ideas we've had at Ericsson.</p> <p>13 Q. And then you have Proposal 6 at the bottom. It says:</p> <p>14 There are two types of BSR, a short BSR reporting the status</p> <p>15 of one RBG only, 1 byte long; and a long BSR reporting the</p> <p>16 status of the four RBGs, 3 bytes long.</p> <p>17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. And does this text and looking at the figures tell you</p> <p>20 when you would choose a long and when you would choose a</p> <p>21 short as a reader of the joint proposal?</p> <p>22 A. If you only read the Proposal 6 and the figures -- and</p> <p>23 the figures, then it doesn't necessarily tell you-all about</p> <p>24 when to use which.</p> <p>25 Q. Would you know at least, though, you would use the short</p>

<p style="text-align: right;">Page 49</p> <p>1 form buffer status report if there was only one radio bearer 2 group that had data in the buffers to report? 3 A. Could you repeat that question, please? 4 Q. Sure. 5 The -- we start with the figure. It says: Buffer size, 6 6 bits. 7 Do you see that? 8 A. I see that. 9 Q. And is that a size that's intended to hold data from one 10 buffer or more than one buffer? 11 A. It's there to show our -- disclose the amount of data 12 available on one radio bearer group. 13 Q. One radio bearer group. Is that different from buffer, 14 though? I want to make sure we're on the same page with 15 that. 16 A. Depends on how you read it. It's a buffer size of -- 17 pertaining to an aggregate of a number of radio bearers. 18 Q. And then -- but these are buffer status reports, so 19 they're reporting on buffer data for radio bearer groups; or 20 do I have that wrong? 21 A. It's -- what is meant here is that it's the sum of the 22 buffers of the individual radio bearers in the one group. So 23 it's the amount of data available for transmission on all 24 other radio bearers within a group collectively. 25 Q. And then it's -- the text that's highlighted in green</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. And can you tell us why that is? 3 A. Yes. When I married, my wife had a name, which was not 4 very common. Her maiden name was not very common. And my 5 name was -- last name was Lindstrom. It was a very common 6 name, and she didn't really feel like changing to a more 7 common name than she already had. 8 So we looked into our families' history, and we found 9 out the maiden name of my grandmother on my father's side, it 10 was a rather uncommon name, which was disappearing from our 11 branch of the family, so we decided to change names, both of 12 us, to Stattin instead of taking either Lindstrom or my 13 wife's maiden name. 14 MR. LUMISH: So, if I now can go back to 15 Defendants' Exhibit 757, please. 16 Q. (By Mr. Lumish) It's an e-mail from Mr. Sebire to the 17 working group. We've seen this before here in the trial. 18 But I wanted to direct your attention to a sentence at 19 the top that CCE's counsel has focused on. 20 The e-mail says: Attached please find a contribution on 21 the BSR I quickly drafted based on Samsung & Nokia-NSN 22 previous contributions. 23 Do you see that? 24 A. I see that. 25 Q. So, Dr. Stattin, you'll see that there is, I think, an</p>
<p style="text-align: right;">Page 50</p> <p>1 below says that: The short BSR reporting the status of one 2 RBG only. 3 Does that tell you when you would use the short buffer 4 status report as far as how many radio bearer groups were 5 reporting data? 6 A. In the view of some it would. And I think different 7 readers may have different understandings of that. 8 Q. Okay. What does it tell you? 9 A. To me, it was in line with the Ericsson proposal to have 10 a short buffer status report if you would have data only on 11 one radio bearer group. 12 Q. And is it in line with your view of when you would 13 have -- when you would use the long buffer status report? 14 A. It's in line with that. 15 Q. And when would you use the long buffer status report 16 again? 17 A. When you have data on more than one radio bearer group. 18 MR. LUMISH: If we could go to DTX-757, please. 19 Q. (By Mr. Lumish) I don't know if you've seen this one 20 before. It's an e-mail from Mr. Sebire, and it's to a number 21 of people. 22 By the way, I don't think this e-mail does it, but I 23 wanted to ask you one question, which is there's some e-mails 24 where your name is referenced as magnus.lindstrom instead of 25 magnus.stattin; is that right?</p>	<p style="text-align: right;">Page 52</p> <p>1 early draft of the joint Ericsson contribution that begins on 2 the next page, DTX-757, Page 2. 3 Did you read what Mr. Sebire was saying here to mean 4 that all the ideas in the joint contribution came only from 5 Samsung and NSN? 6 A. No, I did not. 7 Q. How did you read it, if you recall, when he said: Based 8 on Samsung and Nokia-NSN proposal? 9 A. I understood it to mean that he had used parts or pieces 10 of text coming from those previous contributions to describe 11 certain aspects. 12 And then in addition to that, the proposals, they were 13 describing the conclusions from our MAC workshop. 14 Q. And then counsel -- we've both actually looked at with 15 the jury the third bullet down in the e-mail body. 16 It says: The selection of which BSR (long/short) is not 17 discussed (running out of steam now.) 18 Do you see that? 19 A. Yes. 20 Q. Do you recall reading that when you got it from 21 Mr. Sebire? 22 A. Yes. 23 Q. And what did you take "(running out of steam now)" to 24 mean? 25 A. He was on a flight back from Helsinki. I believe it was</p>

<p style="text-align: right;">Page 53</p> <p>1 a long-haul flight, so I took it to mean that he was tired 2 and didn't have the energy to complete all aspects of what we 3 had contributed at the meeting.</p> <p>4 Q. Did you take it to mean that Mr. Sebire hadn't yet 5 conceived of all of the ideas for selecting long versus short 6 buffer status reports on his own and separate from the 7 workshop?</p> <p>8 A. Now, that, I don't know. I know that we discussed this, 9 how to select long and short at the workshop, but he did not 10 include that in the contribution for some reason.</p> <p>11 My take on it was, from reading this, that he was too 12 tired to do it and that he didn't feel it was urgent to 13 propose that in 3GPP at that moment. We had made substantial 14 progress or consensus in this group of companies to drive 15 progress in 3GPP, and then we could add this aspect later.</p> <p>16 Q. So you mentioned that you had the ideas before the 17 workshop and during the workshop of selecting a short buffer 18 status report when there's only one buffer to report data and 19 a long when there was more than one. Did you share those 20 ideas with the workshop members?</p> <p>21 A. We did.</p> <p>22 Q. Now -- and did that include Mr. Sebire?</p> <p>23 A. Yes.</p> <p>24 Q. I want to turn your attention, please, to Plaintiff's 25 Exhibit 296.</p>	<p style="text-align: right;">Page 55</p> <p>1 Exhibit 570. That's color-coded. 2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And I won't ask you to do this, in the interest of time, 5 because I want to make sure CCE's lawyers have a chance to 6 ask you their questions so we can get you home to Sweden 7 tomorrow.</p> <p>8 But if you look at 572 [sic] and you flip through it, 9 you'll see color-coding in what is the original application 10 filed for the patent application in Mr. Sebire's name. 11 Have you seen Exhibit 572 [sic] before?</p> <p>12 A. Not in this moment.</p> <p>13 Q. And you'll see the color-coding there. I'll just 14 represent to you, sir, so you don't have to do the work, that 15 the colors match up -- and we've shown this to the jury 16 already -- they match up to the joint Ericsson proposal. 17 Before you got pulled into this lawsuit, did you know 18 that the text from the joint Ericsson proposal had been 19 copied into a patent application for Nokia?</p> <p>20 A. No, I did not.</p> <p>21 Q. What was your reaction when you found out?</p> <p>22 A. Surprised.</p> <p>23 Q. I've got a lot more questions for you, but I'm very much 24 interested in making sure you get home, so I'm going to just 25 jump to the end here.</p>
<p style="text-align: right;">Page 54</p> <p>1 And this is an e-mail. It says it's from, as I read it, 2 Dr. Peisa to Mr. Sebire, and I believe it cc's the Workshop 3 Group. And it's really the first sentence there that I want 4 to focus your attention on.</p> <p>5 It says: Thanks a lot for the contribution, excellent 6 work.</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Did you take that to mean that Ericsson or Dr. Peisa was 10 acknowledging in some way that Mr. Sebire had conceived of 11 all of the ideas in the Ericsson joint proposal all on his 12 own?</p> <p>13 A. No.</p> <p>14 Q. What did you take it to mean?</p> <p>15 A. I understood it to mean that we were very grateful that 16 someone -- in this case, Mr. Sebire -- had taken the time to 17 put down in a joint contribution form the conclusions and 18 suggestions from the -- our joint workshop.</p> <p>19 Q. Can you turn to Defendants' Exhibit 570 for me, please?</p> <p>20 And I would like you to look at it on the binder so you 21 may want to compare them.</p> <p>22 We've done this for the jury before. I won't do it 23 again in any detail, but what you see on the screen now and 24 in your binder is the cover of the Ericsson proposal -- the 25 joint Ericsson proposal, I should say, Defendants'</p>	<p style="text-align: right;">Page 56</p> <p>1 When CCE's lawyer comes up in a couple of moments, I 2 think he's going to ask you eight ways to Sunday and maybe in 3 a dozen different ways whether the people in the Working 4 Group and the 3GPP sit around and talk with each other about 5 all of their patents.</p> <p>6 You don't do that, do you?</p> <p>7 A. We don't do that.</p> <p>8 Q. But that's not really what I want to know. What I'd 9 really like to understand is: Would you put your name, and 10 only your name, on a patent application that covered the 11 combined efforts and contributions of a team of people?</p> <p>12 A. No, I would not do that.</p> <p>13 Q. Why not?</p> <p>14 A. Because it's not my -- only my work. It's not only my 15 ideas.</p> <p>16 Q. If you had worked with a team of people to come up with 17 ideas and you thought you should be able to patent some of 18 those just to yourself, do you think you would talk to them 19 about it before you did that?</p> <p>20 A. I would. I would check whether they felt that they had 21 contributed.</p> <p>22 Q. And did Mr. Sebire or anybody from Nokia ever ask you 23 whether you thought you should be named as an inventor on the 24 '820 patent?</p> <p>25 A. No.</p>

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1 Q. Sir, I want to -- on behalf of my client, Apple, I want
 2 to extend our sincere thank you to you. I know this has been
 3 a terrible imposition for you. I hope you enjoyed your time
 4 here in Texas. Thank you very much for your testimony.

5 MR. LUMISH: Pass the witness, your Honor.

6 THE COURT: All right.

7 CROSS-EXAMINATION

8 BY MR. CALDWELL:

9 Q. Good morning, Mr. Stattin.

10 A. Good morning.

11 Q. How are you?

12 A. Fine. Thank you. How are you?

13 Q. Fine.

14 Were you suggesting to the jury that you had never
 15 talked with Apple's lawyers?

16 A. No.

17 Q. You have talked with Apple's lawyers prior to your
 18 testimony, correct?

19 A. I talked to Apple's lawyer on a video call.

20 Q. On a video call, what, was it about a week ago, ten days
 21 ago, something of that nature?

22 A. Probably two weeks ago.

23 Q. You didn't mean to suggest that you had not talked with
 24 Apple's lawyers to prepare at all for this trial, correct?

25 A. No.

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1 A. I didn't tell the jury that we did not, and I didn't
 2 tell the jury that we did, because I haven't studied the
 3 application.

4 Q. Are Apple and Ericsson adversaries?

5 A. Not that I know of.

6 Q. I mean, you're familiar with Apple, correct?

7 A. I am.

8 Q. Are they competitors? Do they compete, for example, in
 9 the base station market?

10 A. No.

11 Q. Are you aware of any markets where Apple and Ericsson
 12 compete?

13 A. Not immediately.

14 Q. Are Ericsson and Nokia-NSN competitors?

15 A. They are two vendors in the same market.

16 Q. Is that yes? They are competitors?

17 A. In some sense -- in some sense we are competitors, yes.

18 Q. Before LTE was released, did Mr. Sebire's company notify
 19 the other participants in the standard setting community that
 20 a patent application had been filed on his idea?

21 A. I don't know.

22 Q. So am I correct that you are not here contending that
 23 Mr. Sebire has patent claims on something that is not his
 24 idea? Am I correct about that?

25 A. I don't think that's my responsibility.

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1 Q. And we've actually not met, correct?

2 A. Excuse me?

3 Q. You and I have actually not met.

4 A. We have not met. I met Mr. Cecil.

5 Q. Right. Well, my name is Brad Caldwell, and I represent
 6 CCE. It's nice to meet you.

7 Do you feel it's important for you to be here on behalf
 8 of Ericsson today?

9 A. I was asked to but not to be here today by Ericsson
 10 Legal.

11 Q. Just -- do you feel it's important for you to be here
 12 today?

13 A. It was -- my employer asked me to, so I feel that it is
 14 important that I do what I'm asked to do.

15 Q. Now, just to get one thing real clear, in your testimony
 16 you did not tell the jury that you or Ericsson or anyone else
 17 at any of those meetings contributed to something that
 18 Mr. Sebire claimed in his patent claims, correct?

19 A. I don't know because I haven't read his patent
 20 application. And I haven't studied it in detail.

21 Q. So is it correct that you did not tell the jury that you
 22 or Janne or anyone else at the meeting contributed anything
 23 to Mr. Sebire's patent claims?

24 A. I don't know.

25 Q. You don't know if you told the jury?

1 Q. Am I correct that you are not here making that claim,
 2 sir?

3 A. I'm not making any claims. I am here to provide the
 4 facts I know.

5 Q. You've seen a joint proposal that counsel for Apple
 6 usually refers to as the Ericsson proposal and sometimes
 7 refers to as a joint Ericsson proposal. Do you remember
 8 that?

9 A. I do.

10 Q. Do you think it's fair to call that proposal an Ericsson
 11 proposal?

12 A. I think it is a joint proposal. It's a joint
 13 contribution by the companies listed on the source.

14 Q. So for purposes of presenting the facts to the jury, is
 15 it more accurate to call it a joint proposal or an Ericsson
 16 proposal?

17 A. I'm not a lawyer, so I wouldn't know.

18 Q. Would you call it an Ericsson proposal, sir?

19 A. I would call it a joint proposal or an Ericsson proposal
 20 or something proposal.

21 Q. So you would call it an Ericsson proposal?

22 A. That's a possibility.

23 Q. Did Ericsson draft it?

24 A. Ericsson did not draft the document.

25 Q. Now, when a proposal is joint -- and let's say

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<p>1 Ericsson's name is on it -- does that mean that Ericsson 2 conceived of the ideas in the proposal, or does it mean that 3 Ericsson is willing to co-sponsor or co-sign the proposal? 4 A. That varies.</p> <p>5 Q. You can't tell from Ericsson's name being listed on the 6 cover as one of the sponsors whether or not that means 7 Ericsson contributed to the ideas, correct?</p> <p>8 A. No, you cannot.</p> <p>9 Q. I think this may have been dealt with just -- aptly at 10 the end of your direct. But just to be clear, when you go to 11 these meetings, do you tell Mr. Sebire and other folks at the 12 meeting that you filed a patent application?</p> <p>13 A. No, I don't.</p> <p>14 Q. And is that because the goal of the meetings is to work 15 towards the best technical standard?</p> <p>16 A. It's because the meetings are focused on the technical 17 aspects.</p> <p>18 Q. Would you agree that the companies in the working group 19 make decisions based on the contributions, not patent 20 applications?</p> <p>21 A. The group doesn't see patent applications so decisions 22 and product specifications are made based on contributions.</p> <p>23 Q. And, Mr. Stattin, some ideas are rejected, right?</p> <p>24 A. Yes.</p> <p>25 Q. As the rapporteur, did you get to just force ideas in to</p>	<p>1 we've already rejected before?</p> <p>2 A. They can say that, but it depends on -- on the group 3 whether that is still considered again or not.</p> <p>4 Q. Do you file patent applications on ideas that you 5 contribute to a working group?</p> <p>6 A. Yes.</p> <p>7 Q. And I won't ask you any specifics. This is just a 8 yes/no question. Do you get compensated by your company when 9 you file patent applications?</p> <p>10 A. Yes.</p> <p>11 Q. When you file the patent application, as a delegate, is 12 it part of your duty that you need to stand up and interrupt 13 the meeting -- or sit and interrupt the meeting -- and tell 14 the other members that you've got relevant intellectual 15 property rights you're pursuing?</p> <p>16 A. No.</p> <p>17 MR. CALDWELL: Can I see Plaintiff's Exhibit 149 at 18 Page 25?</p> <p>19 Actually, if we could just go to the first page. 20 I'm sorry there, Mr. Evans.</p> <p>21 Q. (By Mr. Caldwell) Do you recognize the document that's 22 shown on the screen, sir?</p> <p>23 A. I do.</p> <p>24 Q. 36.321, that was the portion of the standard where you 25 were rapporteur, correct?</p>
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<p>1 the standard without discussion and approval?</p> <p>2 A. No. No, I did not.</p> <p>3 Q. And so sometimes someone proposes an idea, and they 4 explain why they like it, and does the group say, no, we 5 don't agree? Does that happen?</p> <p>6 A. It happens.</p> <p>7 Q. Do sometimes companies present competing proposals of 8 how to solve the problem?</p> <p>9 A. Yes, they do.</p> <p>10 Q. And do you just put the two competing results in the 11 standard, or do you figure out which one is best?</p> <p>12 A. That is what I devised this long -- at times very long 13 discussions would go on for many meeting cycles. Some 14 disagree, but one tries to find a common way for trying to 15 form a consensus for which to deduce.</p> <p>16 Q. Now, are -- in that situation when people are having 17 that debate, are the participants in the working group 18 prevented from speaking their mind about what they think is 19 the best proposal?</p> <p>20 Do you ever tell someone they have to stay quiet?</p> <p>21 A. No, never.</p> <p>22 Q. Do they get a chance to say, I like this proposal or I 23 like that proposal?</p> <p>24 A. Yes.</p> <p>25 Q. Do they get to say, you're proposing something that</p>	<p>1 A. That's correct.</p> <p>2 Q. When was that portion of the standard finalized?</p> <p>3 A. It's still being developed and -- and evolved. But the 4 first version was, to my recollection, completed -- I believe 5 it was in December, 2008.</p> <p>6 Q. Now, are you familiar with the contents of this 7 document?</p> <p>8 A. Yes, I am.</p> <p>9 MR. CALDWELL: Could I see Page 25.</p> <p>10 Q. (By Mr. Caldwell) Are you familiar with the Section 11 5.4.5, buffer status reporting?</p> <p>12 A. Yes.</p> <p>13 Q. And then starting partway down, do you see that there's 14 a description of buffer status report shall be triggered? Do 15 you see that?</p> <p>16 A. I see that, yes.</p> <p>17 Q. Is there a difference between triggering a buffer status 18 report and having criteria to determine whether it is long or 19 short?</p> <p>20 A. Yes.</p> <p>21 Q. What is that difference, sir?</p> <p>22 A. The triggering is related to whether the buffer status 23 report shall be transmitted at all, whereas the selection 24 about which format to use is based on other criteria.</p> <p>25 Q. Has Mr. Sebire ever said, I claim to have invented</p>

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<p>1 triggering buffer status reports?</p> <p>2 A. I don't know. Not to me.</p> <p>3 Q. Are you aware -- do you have any reason to think that in</p> <p>4 this court case he has taken the position that he invented</p> <p>5 triggering of buffer status reports?</p> <p>6 A. I don't know. I haven't -- haven't been here in</p> <p>7 listening to Mr. Sebire.</p> <p>8 MR. CALDWELL: Can we flip to the next page, sir?</p> <p>9 Just kind of grab maybe the top 40 percent of the</p> <p>10 page, something like that.</p> <p>11 Q. (By Mr. Caldwell) Now, do you see these portions of</p> <p>12 5.4.5?</p> <p>13 A. Yes.</p> <p>14 Q. And it's -- I don't want to read it all, but: For</p> <p>15 regular -- I'll read a portion of it. Is that okay?</p> <p>16 For regular and periodic buffer status reports: If more</p> <p>17 than one LCG has data available for transmission in the TTI</p> <p>18 where the BSR is transmitted, report long BSR; else report</p> <p>19 short.</p> <p>20 Correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then the next one is: The number of padding bits is</p> <p>23 equal to or larger than the size -- and it goes on.</p> <p>24 Were you the rapporteur who put this in the standard?</p> <p>25 A. I don't recall when this was put into the standard and</p>	<p>1 A. I don't recall.</p> <p>2 Q. Is that a contribution from Benoist Sebire?</p> <p>3 A. Which part?</p> <p>4 Q. The same portion, sir. (Indicating.) Is that a</p> <p>5 contribution from Benoist Sebire?</p> <p>6 A. I believe this is a contribution that is containing the</p> <p>7 parts that was agreed in this workshop, plus some parts which</p> <p>8 may have been added later.</p> <p>9 Q. By whom?</p> <p>10 A. I don't recall.</p> <p>11 May I ask for clarification of the question?</p> <p>12 Q. Certainly.</p> <p>13 A. Do you mean by whom -- who wrote the text that went into</p> <p>14 this specification or the --</p> <p>15 Q. Yes, sir.</p> <p>16 A. -- who contributed the proposal to 3GPP or who disclosed</p> <p>17 the idea the first time?</p> <p>18 Q. Who wrote the text that's in the specification?</p> <p>19 A. If this was prior to releasing and the closure of the</p> <p>20 release, then it might have been myself.</p> <p>21 Q. It might have been you?</p> <p>22 A. (Nods head affirmatively.)</p> <p>23 Q. You're not telling the jury that it was you; you're just</p> <p>24 saying that's a possibility?</p> <p>25 A. Depends on when it was done. I didn't go back and</p>
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<p>1 whether I drafted the document doing that. Up to the point</p> <p>2 where the document -- the specification was put under change</p> <p>3 control, I was providing the text and the input.</p> <p>4 And after it was put under change control, then also</p> <p>5 other companies could propose change requests to the</p> <p>6 specification.</p> <p>7 Q. Just to be real clear, when you say you drafted the</p> <p>8 document putting this into the standard, are you saying,</p> <p>9 after someone proposed it, you typed it into 36.321, or are</p> <p>10 you saying you're the person who proposed that text for</p> <p>11 inclusion in 36.321?</p> <p>12 A. I didn't quite follow. Did I say that I drafted the</p> <p>13 text?</p> <p>14 Q. I thought you did.</p> <p>15 A. I believe I said that up to the point that the</p> <p>16 specification was put under the change control, I drafted</p> <p>17 document, the text which went into the specification.</p> <p>18 After that point, it was also possible for other</p> <p>19 companies to propose changes and change requests.</p> <p>20 Q. And I'm not talking about, like, the possibility of</p> <p>21 change requests at the end. I just want to be real clear.</p> <p>22 When this text that's in the area -- when this text</p> <p>23 that's in that area (indicating) was added into 5.4.5, are</p> <p>24 you the person who came up with the text that would be</p> <p>25 included in 5.4.5 or not?</p>	<p>1 check.</p> <p>2 Q. All right. Now, the next option -- who put that in a</p> <p>3 proposal -- that information, that criteria in a proposal to</p> <p>4 3GPP?</p> <p>5 A. The -- some of the text was put in a proposal to 3GPP by</p> <p>6 these joint companies, these companies in the joint</p> <p>7 contribution.</p> <p>8 Q. Anyone else separate from that joint contribution?</p> <p>9 A. As I said, I don't recall all of the details on what</p> <p>10 happened as to that.</p> <p>11 Q. Do you recall showing us these -- do you recall showing</p> <p>12 us these PowerPoint-type presentations that had some Ericsson</p> <p>13 logos on them? They were, I think, Defendants' Exhibits 754</p> <p>14 and 756.</p> <p>15 And the question is just whether you recall showing</p> <p>16 these to us.</p> <p>17 A. Sorry. What was the question?</p> <p>18 Q. Do you recall showing the jury Defendants' Exhibits 754</p> <p>19 and 756 that had the Ericsson PowerPoints?</p> <p>20 A. I recall they were shown to the jury, yes.</p> <p>21 Q. What is the significance of text that is in bold versus</p> <p>22 text that is not in bold in those presentations?</p> <p>23 A. My understanding is that the text in bold is the</p> <p>24 conclusion -- is the conclusion from the workshop; whereas,</p> <p>25 the text not in bold are parts which were discussed but may</p>

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<p>1 not have been accepted by all companies.</p> <p>2 Q. Or maybe it's unanswered questions that need to be</p> <p>3 addressed, correct?</p> <p>4 A. Oh, I understand that a lot of the text was input to the</p> <p>5 workshop.</p> <p>6 Q. My question is this, though: If there are things that</p> <p>7 are not in bold, it may represent unanswered questions that</p> <p>8 still need to be resolved, correct?</p> <p>9 A. If there is a question mark, yes.</p> <p>10 Q. And we've seen a question mark in an unbolted sentence</p> <p>11 in this case, haven't we?</p> <p>12 A. Where?</p> <p>13 MR. CALDWELL: Can you flip to 756-011, sir?</p> <p>14 Q. (By Mr. Caldwell) Do you remember this page,</p> <p>15 Mr. Stattin?</p> <p>16 A. I do.</p> <p>17 Q. The group specifically left unresolved "what to do when</p> <p>18 short format fits but long one does not," correct?</p> <p>19 A. That was -- there was no conclusion on that.</p> <p>20 Q. And there's no place we can flip to in this document to</p> <p>21 find an answer to that question, is there?</p> <p>22 A. I don't believe that there is in this document, no.</p> <p>23 Q. Are you aware of any other documents that answer that</p> <p>24 question before Mr. Sebire did?</p> <p>25 A. I don't -- I'm not aware of a document presenting that,</p>	<p>1 Q. After the meeting that we discussed that was around</p> <p>2 October 22nd and 23rd, was Ericsson tasked with focusing on</p> <p>3 the triggering aspects of buffer status reporting?</p> <p>4 A. If I recall correctly, yes.</p> <p>5 Q. And that's different from the determination criteria,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 MR. CALDWELL: Can we flip to the second page and</p> <p>9 grab the middle of the page?</p> <p>10 Perfect.</p> <p>11 Q. (By Mr. Caldwell) Now, I'm sorry that the imagery is a</p> <p>12 little spotty. Can you -- can you make it out okay? It's</p> <p>13 got -- the lines are a little faint, but can you make it out?</p> <p>14 A. Yes.</p> <p>15 Q. I apologize for that. I think it was used maybe in a</p> <p>16 deposition and copied and scanned. So sorry about that.</p> <p>17 Who drew the figures, Figure 1 and Figure 2, that are in</p> <p>18 this document?</p> <p>19 A. I don't know.</p> <p>20 Q. Now, if Mr. Sebire drew those figures, would you</p> <p>21 challenge that? Would you dispute it?</p> <p>22 A. No. I -- I would only note that these figures do</p> <p>23 describe what we saw on some other slides captured in text.</p> <p>24 And this is a figure capturing the same thing.</p> <p>25 Q. I'm asking about the figures. I'm not arguing with you</p>
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<p>1 and I'm not aware whether Mr. Sebire did or not.</p> <p>2 Q. Do you have any reason to believe --</p> <p>3 MR. CALDWELL: I'm sorry. Thank you.</p> <p>4 Q. (By Mr. Caldwell) Do you have any reason to believe that</p> <p>5 Mr. Sebire has ever taken credit for inventing the concept of</p> <p>6 having short buffer status reports and long buffer status</p> <p>7 reports?</p> <p>8 A. No.</p> <p>9 MR. CALDWELL: Could we see Defendants' Exhibit</p> <p>10 569, please?</p> <p>11 All right. Let's just kind of zoom in the top</p> <p>12 third, if you don't mind, Mr. Evans.</p> <p>13 Q. (By Mr. Caldwell) Are you familiar with this document,</p> <p>14 sir?</p> <p>15 A. I am.</p> <p>16 Q. This is the document that Apple's lawyers sometimes call</p> <p>17 the Ericsson proposal, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Who prepared this document?</p> <p>20 A. It was drafted by Mr. Sebire and capturing the</p> <p>21 conclusions and the proposals that the -- the conclusions of</p> <p>22 the group at this MAC workshop.</p> <p>23 Q. And are you here on behalf of Ericsson taking credit for</p> <p>24 the conclusions that are repeated in this document?</p> <p>25 A. That's not why I'm here.</p>	<p>1 about that point. I'm asking who drew the figures.</p> <p>2 A. I don't know.</p> <p>3 Q. If Mr. Sebire drew these figures, would you reuse them</p> <p>4 in an Ericsson-only document and pass them off as Ericsson</p> <p>5 figures?</p> <p>6 A. If a figure in a joint contributions, yes, I would use</p> <p>7 them because these figures are -- these are joint</p> <p>8 contributions, so it's the -- the work and the output from</p> <p>9 our joint efforts.</p> <p>10 Q. But would you be sure to say, hey, a guy from NSN drew</p> <p>11 these pictures?</p> <p>12 A. In 3GPP, we typically reuse figures because that's part</p> <p>13 of our normal work.</p> <p>14 Q. What about if you reused them in a patent application?</p> <p>15 Would you be sure to say, you know, some guy from NSN drew</p> <p>16 these figures?</p> <p>17 A. If I would reuse something then -- if I'm reusing</p> <p>18 something from prior art, then it is described as prior art.</p> <p>19 And if I have used some figure -- it depends on the context.</p> <p>20 Q. So you don't know?</p> <p>21 A. I don't know.</p> <p>22 Q. Would it surprise you if this figure were almost</p> <p>23 identically reused in an application that names you as an</p> <p>24 inventor and --</p> <p>25 A. No.</p>

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<p>1 Q. -- does not mention Mr. Sebire?</p> <p>2 A. Not -- no, I wouldn't be too surprised.</p> <p>3 Q. You can see at the top of the screen -- if I can work</p> <p>4 this thing -- there's a reference to Proposal 5. Do you see</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And I think -- I'll admit that I have trouble</p> <p>8 reading these documents when they first come out. But am I</p> <p>9 correct, just for context, that Proposal 5, where it says</p> <p>10 Proposal 5, is actually referring to what's above the bold</p> <p>11 word "Proposal 5"?</p> <p>12 A. Could you say that again?</p> <p>13 Q. Sure. I'm -- it was probably a dense question. Let me</p> <p>14 ask you slightly differently.</p> <p>15 This says "Proposal 6" down here (indicating), do you</p> <p>16 see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you'll agree with me that this (indicating) is what</p> <p>19 it's talking about is Proposal 6, not what's further down on</p> <p>20 the page below?</p> <p>21 A. I have to look at the contribution --</p> <p>22 Q. No problem.</p> <p>23 A. -- completely.</p> <p>24 Q. Yes, sir. It's No. 569.</p> <p>25 MR. CALDWELL: In fact, would you zoom out? That</p>	<p>1 Q. You said something earlier about providing background</p> <p>2 information in a patent. Or context information. Do you</p> <p>3 recall describing that generally?</p> <p>4 A. No.</p> <p>5 Q. Let me ask you a different question, then.</p> <p>6 Are you familiar with what a claim of a patent is?</p> <p>7 A. I'm familiar that there are claims, but I'm not a patent</p> <p>8 lawyer.</p> <p>9 Q. Do you know what the significance of the claims of a</p> <p>10 patent is?</p> <p>11 A. I'm not a patent lawyer.</p> <p>12 Q. Was a separate contribution to 3GPP made to present</p> <p>13 criteria for choosing between short and long buffer status</p> <p>14 reports?</p> <p>15 A. I don't recall.</p> <p>16 Q. Have you looked for that in preparing to testify to the</p> <p>17 jury today?</p> <p>18 A. No, I have not.</p> <p>19 Q. Now, if a separate proposal was made to show criteria</p> <p>20 for choosing between long and short buffer status reports, is</p> <p>21 that something that we could find publicly available on the</p> <p>22 Internet?</p> <p>23 A. If there were documents contributed to 3GPP, you should</p> <p>24 be able to find that.</p> <p>25 Q. When you had your video conference with Apple's lawyers,</p>
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<p>1 might help out, actually.</p> <p>2 A. It's a new section of Proposal 6, so I think it's fair</p> <p>3 to say what is below Proposal 6 is a part of something else,</p> <p>4 but it could be related.</p> <p>5 Q. (By Mr. Caldwell) Fair enough. I'm not disputing that</p> <p>6 point.</p> <p>7 MR. CALDWELL: Can you just slide it up just a tiny</p> <p>8 bit?</p> <p>9 That's fine. Thank you.</p> <p>10 Q. (By Mr. Caldwell) So all I'm getting at is the simple</p> <p>11 point that where Proposal 6 is presented in this paper is in</p> <p>12 the area I've just marked in red.</p> <p>13 A. Yes. The text leading up -- the text after Proposal 5</p> <p>14 seems to be leading up to Proposal 6.</p> <p>15 Q. Would you agree with me that this merely had proposed</p> <p>16 that there are two types and two formats, and it does not say</p> <p>17 under which conditions we use them?</p> <p>18 A. This text does not include the aspects of which to use</p> <p>19 that was discussed in this joint workshop, no.</p> <p>20 Q. This text merely had proposed that there are two types</p> <p>21 and two formats and does not say under which conditions we</p> <p>22 use them, correct?</p> <p>23 A. Yes. This text does not disclose that.</p> <p>24 Q. You mentioned that you've got a lot of patents, sir.</p> <p>25 A. Yes.</p>	<p>1 were you shown any subsequent contribution where criteria for</p> <p>2 choosing short or long buffer status reports was contributed?</p> <p>3 A. No.</p> <p>4 MR. CALDWELL: Could we see Defendants' Exhibit</p> <p>5 DTX-567.</p> <p>6 Just kind of grab the top third of it, sir.</p> <p>7 Q. (By Mr. Caldwell) Have you ever seen this contribution,</p> <p>8 R2-080015, sir?</p> <p>9 A. I may have, long time ago.</p> <p>10 Q. You don't remember it as you sit here today, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Do you have any doubt that the contributions of this</p> <p>13 document came from Nokia or Nokia Siemens Networks?</p> <p>14 A. I believe this document was produced and that --</p> <p>15 submitted to 3GPP by Nokia Siemens Networks.</p> <p>16 Q. But you're not here taking the position that the</p> <p>17 contents did not come from Mr. Sebire, are you?</p> <p>18 A. I haven't read the contribution now, so I don't know</p> <p>19 what is the content. I would only speculate based on the</p> <p>20 title. And I'm not here to speculate.</p> <p>21 Q. Fair enough.</p> <p>22 But you're also not here under oath telling the jury</p> <p>23 that you or your colleagues at Ericsson came up with the</p> <p>24 ideas in this contribution, are you?</p> <p>25 A. I don't know. I haven't studied this contribution in a</p>

<p>1 very long time.</p> <p>2 Q. Did it cross your mind before you testified to go look</p> <p>3 at the 3GPP website and see if there were other related</p> <p>4 contributions to the issues that we're talking about in this</p> <p>5 trial?</p> <p>6 A. I was looking at contributions prior to those -- that we</p> <p>7 had been discussed before, not after.</p> <p>8 Q. Would you agree that this proposal introduces criteria</p> <p>9 for short and long BSR, DTX-567?</p> <p>10 A. I don't know. I haven't studied it. And I have</p> <p>11 difficulty reading it on the screen. And it's not in my</p> <p>12 binder.</p> <p>13 Q. And will you --</p> <p>14 MR. CALDWELL: Do we have 567?</p> <p>15 A. And it would probably take me some time to study it.</p> <p>16 Q. (By Mr. Caldwell) Well, about how long do you think it</p> <p>17 would take you to study it?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. I mean, I'm happy to give you a copy of it. I</p> <p>20 don't have a problem with that, so...</p> <p>21 MR. CALDWELL: Mr. Lumish, do you have 567</p> <p>22 somewhere?</p> <p>23 May I approach the witness and hand him this</p> <p>24 binder, Your Honor?</p> <p>25 THE COURT: Yes.</p>	<p>Page 77</p> <p>1 listing the criteria for selecting long or short, and it</p> <p>2 was -- I believe it was mentioned that there was a preference</p> <p>3 to do it in a certain way, and I believe that was the</p> <p>4 Ericsson input.</p> <p>5 Q. And we also discussed, didn't we, that the decision of</p> <p>6 what to do when certain things don't fit was left as an</p> <p>7 unresolved, unanswered question, correct?</p> <p>8 A. There was no consensus from that workshop.</p> <p>9 Q. It was left as an unanswered question, correct?</p> <p>10 A. From the collective -- from the group point of view, it</p> <p>11 was left as an unanswered question. There may have been</p> <p>12 suggestions and ideas on how to handle it from different,</p> <p>13 individual companies.</p> <p>14 Q. So, Mr. Stattin, who presented this proposal, the</p> <p>15 DTX-567, to the Working Group?</p> <p>16 A. I don't recall. It was a very long time ago. It was in</p> <p>17 2008, it appears here; and now it is 2016, eight years ago.</p> <p>18 And we present typically up to a thousand contributions</p> <p>19 per meeting.</p> <p>20 Q. Now, is there any way to check and see if it was</p> <p>21 presented at a meeting?</p> <p>22 A. Possibly.</p> <p>23 Q. And how might we do that?</p> <p>24 A. You could look in meeting minutes, if that is captured,</p> <p>25 but it has not always been.</p>
<p>Page 78</p> <p>1 Q. (By Mr. Caldwell) Now, I know we have a limited amount</p> <p>2 of time because I know we're ending at noon today, and you're</p> <p>3 taking off in the morning, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Just suffice it to say, you haven't studied Defendants'</p> <p>6 Exhibit 567, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you're not here taking a position claiming any</p> <p>9 portion of Defendants' Exhibit 567, correct?</p> <p>10 A. What does that mean?</p> <p>11 Q. You're not here claiming to have invented or conceived</p> <p>12 of the content of Defendants' Exhibit 567, correct?</p> <p>13 A. I'm not -- I was not asked to come here to do that. But</p> <p>14 if I look at this, the first paragraph in Section 2, it looks</p> <p>15 very much like what Ericsson suggested in the joint MAC</p> <p>16 workshop.</p> <p>17 Q. Was this proposal ever discussed in the Working Group?</p> <p>18 A. I don't recall if it was discussed prior to this</p> <p>19 document was submitted in the Working Group. I know it was</p> <p>20 discussed at this joint workshop among those companies.</p> <p>21 Q. And that's not reflected in the presentation, is it?</p> <p>22 A. In which presentation?</p> <p>23 Q. That this proposal was discussed. That is not reflected</p> <p>24 in the Ericsson PowerPoints we've seen, is it?</p> <p>25 A. It is -- I believe there were a couple of bullets</p>	<p>Page 80</p> <p>1 Q. What would you expect the meeting minutes to reflect if</p> <p>2 this proposal were discussed at a meeting?</p> <p>3 A. I don't know. The style of meeting has varied and</p> <p>4 changed over the years. So this was something eight years</p> <p>5 ago. I don't recall.</p> <p>6 MR. CALDWELL: Your Honor, may I approach the</p> <p>7 witness and Mr. Lumish as well?</p> <p>8 THE COURT: Yes.</p> <p>9 Q. (By Mr. Lumish) I've handed you a document that has not</p> <p>10 been pre-admitted in this case. But are you familiar with</p> <p>11 Working Group meeting minutes that are reflected and recorded</p> <p>12 and stored online?</p> <p>13 A. Yes, I am.</p> <p>14 Q. Can you take a look at what you were just handed that is</p> <p>15 marked at the top R2-080549?</p> <p>16 MR. LUMISH: Can we approach, Your Honor?</p> <p>17 THE COURT: You may.</p> <p>18 (Bench conference.)</p> <p>19 MR. LUMISH: This looks like a 20-page document.</p> <p>20 There's no trial exhibit number. It wasn't disclosed. I'm</p> <p>21 not aware of what it is. This is unfair.</p> <p>22 MR. CALDWELL: It's the meeting minutes off the</p> <p>23 public 3GPP website.</p> <p>24 THE COURT: Okay. And what is the relevance to</p> <p>25 them?</p>

<p style="text-align: right;">Page 81</p> <p>1 MR. CALDWELL: They're the meeting minutes where 2 Mr. Sebire's proposal was discussed by the Working Group 3 where he was at the meeting.</p> <p>4 MR. LUMISH: The issue is it's not on the list. 5 THE COURT: Why wasn't it disclosed?</p> <p>6 MR. CALDWELL: Well, it's an impeachment exhibit. 7 THE COURT: Okay.</p> <p>8 MR. CALDWELL: It's certainly at least -- 9 THE COURT: I'm just asking you to assert your 10 objection and your response.</p> <p>11 MR. CALDWELL: Absolutely. Absolutely. 12 I'm also thinking about -- the reason I smile is 13 I'm thinking about the cross-examination on an order from a 14 Georgia court yesterday. It's a public record.</p> <p>15 And this document had -- this witness has personal 16 knowledge of these meetings and the minutes that come out of 17 them, so I think he has more than adequate foundation for it.</p> <p>18 THE COURT: If he lays the foundation, what's your 19 objection to the document?</p> <p>20 MR. LUMISH: Just that it wasn't disclosed. That's 21 all.</p> <p>22 THE COURT: Okay. That objection is overruled. 23 Lay the foundation and then offer it.</p> <p>24 MR. CALDWELL: Yes, Your Honor. Yes, Your Honor. 25 I was just going to also remind the Court, remember that we</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Do you have any reason to believe that these are not the 2 authentic meeting minutes from those meetings that are 3 reflected on the public 3GPP website?</p> <p>4 A. No immediate reason to say that.</p> <p>5 MR. CALDWELL: Your Honor, we'd move for the 6 admission of this exhibit, which I will get a new sticker 7 for.</p> <p>8 MR. LUMISH: No objection, Your Honor. 9 THE COURT: Okay. It will be admitted.</p> <p>10 Let me know what the number will be.</p> <p>11 MR. CALDWELL: Your Honor, it is Plaintiff's 12 Exhibit 299.</p> <p>13 THE COURT: Thank you.</p> <p>14 Q. (By Mr. Caldwell) Mr. Stattin, will you do me a favor 15 and flip to the eighth page, which we'll also pull up on the 16 screen?</p> <p>17 MR. CALDWELL: Would you pull up that section, 18 Mr. Evans?</p> <p>19 Q. (By Mr Caldwell) Mr. Stattin, do you see that Nokia's 20 contribution of criteria for short and long BSR was discussed 21 at this meeting?</p> <p>22 A. Excuse me. Could you repeat that question?</p> <p>23 Q. Yes, sir.</p> <p>24 Do you see that the Nokia contribution, R2-080015, was 25 specifically discussed at the 60b meeting?</p>
<p style="text-align: right;">Page 82</p> <p>1 got a huge production from him and Ericsson the night before 2 trial, so...</p> <p>3 THE COURT: I've got it.</p> <p>4 MR. LUMISH: Can I make one more point, if I may, 5 please, while we're here?</p> <p>6 THE COURT: Yes.</p> <p>7 MR. LUMISH: I'm going to need three or five 8 minutes of redirect, so I just wanted to check in on timing.</p> <p>9 MR. CALDWELL: I think you'll be fine.</p> <p>10 MR. LUMISH: Okay. Thank you.</p> <p>11 THE COURT: All right. Thank you.</p> <p>12 MR. LUMISH: Thank you very much. 13 (Bench conference concluded.)</p> <p>14 Q. (By Mr. Caldwell) So, Mr. Stattin, what is the document 15 that I've handed you?</p> <p>16 A. It appears to be a 3GPP RAN2 Working Group document.</p> <p>17 Q. Are you familiar with documents like this?</p> <p>18 A. Yes.</p> <p>19 Q. Have you flipped through it a little bit to see that it 20 reflects minutes from a meeting known as No. 60b?</p> <p>21 A. No, I have not.</p> <p>22 Q. Can you tell that, by looking at the header and flipping 23 through it for a second?</p> <p>24 A. Based on the header and the object, it appears to be 25 minutes from an LTE user session.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. From this document, it appears that this Nokia 2 contribution was discussed at that meeting, yes.</p> <p>3 Q. Now, is there any indication whatsoever that anybody at 4 that meeting disputed that this contribution came from 5 Mr. Sebire?</p> <p>6 A. Whether the content of the ideas are coming from a 7 certain company or not is not reflected by the company or who 8 is creating the contribution to the meeting.</p> <p>9 It may be based on early ideas and early discussion, and 10 then it has been put in a contribution at some point by a 11 company because maybe they're being formed more -- more of a 12 consensus in that direction or it's -- the standard has 13 more -- matured a bit, and it's a better moment, better time 14 to discuss and decide certain aspects.</p> <p>15 So from just seeing this document and the title and its 16 minutes, I cannot tell from whom the ideas are coming.</p> <p>17 Q. Have you seen any document from which you can say 18 someone other than Mr. Sebire conceived of the ideas in his 19 patent claims?</p> <p>20 A. I'm not aware of the patent claims.</p> <p>21 Q. And just so we're clear, that question was about -- 22 about documents. Are you contending, or is it your belief 23 that someone other than Mr. Sebire contributed and conceived 24 of the ideas that are inventive in his patent claims?</p> <p>25 A. I've not seen the claims. What I have seen is that I've</p>

<p style="text-align: right;">Page 85</p> <p>1 told already that in the beginning of this contribution 2 080015, there were some bullets and criteria which were 3 contributed by Ericsson in the joint workshop.</p> <p>4 Q. How well do you know Mr. Sebire?</p> <p>5 A. I've been meeting him at RAN2 Working Group meetings for 6 a number of years.</p> <p>7 Q. Do you trust him?</p> <p>8 A. I believe I do.</p> <p>9 Q. You guys actually knew each other fairly well. It's not 10 just that you happen to see each other at meetings; is that 11 fair?</p> <p>12 A. Can you define "know someone well"?</p> <p>13 Q. Let me ask a different question.</p> <p>14 Did you and Mr. Sebire actually get pitted against each 15 other in an election at one point?</p> <p>16 A. We were -- Mr. Sebire, myself, and a delegate of -- was 17 it LG Electronics -- were at one point all candidates for a 18 vice chairman position in RAN2.</p> <p>19 Q. What happened in the election?</p> <p>20 A. In the election there was a round of elimination and 21 then there was a final round. In the first round the 22 candidate from LG Electronics was eliminated, and in the next 23 round it was concluded that Mr. Sebire won the election.</p> <p>24 Q. Did that election take place before or after Mr. Sebire 25 made contribution 080015 to the standard?</p>	<p style="text-align: right;">Page 87</p> <p>1 think it would be very difficult for us to file it 2 afterwards.</p> <p>3 Q. Will you find DTX-576?</p> <p>4 MR. CALDWELL: No. I think I gave you the wrong -- 5 I was looking for 080015 -- I'm sorry.</p> <p>6 Q. (By Mr. Caldwell) I'm sorry -- I'm sorry, 567. Do you 7 have Defendants' Exhibit 567 handy, sir? It's the 8 contribution from Mr. Sebire.</p> <p>9 A. Yes.</p> <p>10 Q. Would you have preferred to show this contribution to 11 the jury during your direct testimony?</p> <p>12 A. I don't think I understand the question.</p> <p>13 Q. Would your testimony have been more complete if you had 14 showed Defendants' Exhibit 567 to the jury, sir?</p> <p>15 A. I don't know.</p> <p>16 Q. I understand that you have -- we have a limited amount 17 of time, and you have to leave tomorrow.</p> <p>18 MR. CALDWELL: So I will pass the witness now so 19 that Mr. Lumish can have some follow-ups. Thank you.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 REDIRECT EXAMINATION</p> <p>22 BY MR. LUMISH:</p> <p>23 Q. Let's look at 567.</p> <p>24 The suggestion you were hearing, sir, if you were 25 confused by it, was that we somehow were hiding this document</p>
<p style="text-align: right;">Page 86</p> <p>1 A. My recollection is that the election was in 2009, so 2 that would have been after 2008.</p> <p>3 Q. The election was after the contribution?</p> <p>4 A. The election was after the meeting that we are looking 5 at in this exhibit.</p> <p>6 Q. Was the election before or after Nokia-NSN told the 7 other 3GPP participants that it had a patent application on 8 Mr. Sebire's idea?</p> <p>9 A. I don't know.</p> <p>10 Q. Does Ericsson sometimes have ideas that it keeps secret 11 until it can file a patent application before they propose it 12 to the standards group?</p> <p>13 A. What do you mean by "keep secret"?</p> <p>14 Q. Does Ericsson sometimes have ideas that it keeps 15 confidential internally at Ericsson to make sure they file a 16 patent application before they disclose it to the working 17 group?</p> <p>18 A. If we're going to file a patent application, that, to my 19 understanding, needs to be done before disclosing the 20 invention or publishing the invention.</p> <p>21 Q. So does that mean that, yes, Ericsson will keep it 22 confidential from the working group until they get the 23 application on file?</p> <p>24 A. Ericsson would keep it confidential from the public. 25 I mean, if we would share it with other companies, then I</p>	<p style="text-align: right;">Page 88</p> <p>1 either from you or from somebody else. Let's start at the 2 top of it.</p> <p>3 First of all, look at the date. It says January -- why 4 don't --</p> <p>5 MR. LUMISH: Actually, Mr. Schmoller will you bring 6 up through Proposal 1 for me, please?</p> <p>7 Right there. So I want to have the date at the top 8 and -- thank you.</p> <p>9 (By Mr. Lumish) Do you see the date at the top, sir?</p> <p>10 A. I do.</p> <p>11 Q. It says 14-18 January 2008.</p> <p>12 A. Yes.</p> <p>13 Q. Is that before or after the workshop?</p> <p>14 A. That's after the workshop.</p> <p>15 Q. Is that before or after the joint Ericsson contribution 16 that we talked about before?</p> <p>17 A. It's after.</p> <p>18 Q. And there is a source listed there. Do you see the 19 source?</p> <p>20 A. Yes.</p> <p>21 Q. Does it include Ericsson on it?</p> <p>22 A. No.</p> <p>23 Q. Now, he didn't show you the actual criteria and call 24 those up. Let's take a look at those in Section 2 here. Do 25 you see it says --</p>

<p style="text-align: right;">Page 89</p> <p>1 MR. LUMISH: Can you maybe blow that up for me 2 please, Mr. Schmoller?</p> <p>3 Q. (By Mr. Lumish) It says: In its simplest form the 4 criteria can simply depend on the amount of data that is 5 buffered in the different logical channel groups. 6 Do you see that?</p> <p>7 A. I see that.</p> <p>8 Q. And you've talked about radio bearer groups. Is there a 9 difference, in your mind, between logical channel groups and 10 radio bearer groups?</p> <p>11 A. They are commonly used -- they use these terminologies 12 interchangeably in the RAN2 Working Group.</p> <p>13 Q. And the criteria that Mr. Sebire lists here only in 14 Nokia's name are, first: If only one LCG has buffered data, 15 report the short BSR format. And as soon as more than one 16 LCG has buffered data, report the long BSR format. 17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. Do you believe that Mr. Sebire conceived of those 20 selection criteria for choosing between short and long buffer 21 status reports all by himself, separate from the workshop?</p> <p>22 A. No.</p> <p>23 MR. LUMISH: Let's look at the proposal, please, 24 Mr. Schmoller.</p> <p>25 That was right underneath there, Proposal 1.</p>	<p style="text-align: right;">Page 91</p> <p>1 "2 formats" down, please. 2 Thank you.</p> <p>3 Q. (By Mr. Lumish) We're going to try to make this a little 4 easier to read.</p> <p>5 So on the top now we have the proposal that Mr. Sebire 6 submitted in Nokia's name only. It says: If only one LCG 7 has buffered data, report the short; and if more than one, 8 report the long.</p> <p>9 Now, on the bottom we have the PowerPoint from Ericsson. 10 It's in bold text, isn't it?</p> <p>11 A. Yes.</p> <p>12 Q. So that's the same bold text that Mr. Caldwell asked 13 you about and with the same significance he asked you about 14 in the -- in the PowerPoint?</p> <p>15 A. Yes.</p> <p>16 Q. And do you see any similarities here, sir, between what 17 Ericsson wrote in the PowerPoint and what's in Mr. Sebire's 18 name in the first document at the top there?</p> <p>19 A. Yes, I do.</p> <p>20 Q. And what's the similarity?</p> <p>21 A. The similarity is that if you have data to report on one 22 group, then you use the short format. If you have data on 23 more radio bearer groups, then you use the long format.</p> <p>24 Q. Forgive me. I wrote on this. I got excited when I saw 25 it.</p>
<p style="text-align: right;">Page 90</p> <p>1 Thank you.</p> <p>2 Q. (By Mr. Lumish) It says Proposal 1: If only one LCG has 3 buffered data, report short BSR. As soon as more than one 4 LCG has buffered data, report long BSR.</p> <p>5 Is that an idea that Ericsson had before January 2008?</p> <p>6 A. Yes.</p> <p>7 Q. And is that an idea that Ericsson presented to the 8 workshop?</p> <p>9 A. Yes.</p> <p>10 Q. Is that an idea that Ericsson presented to the workshop 11 when Mr. Sebire was there?</p> <p>12 A. Yes.</p> <p>13 MR. LUMISH: Can you -- Mr. Schmoller, will you 14 bring up the criteria again, please? I'm going to ask you to 15 split screen.</p> <p>16 And if you could split it with Page 11 of 17 Defendants' Exhibit 756. So DT-756, Page 11.</p> <p>18 Q. (By Mr. Lumish) So we have on the left the January 2008, 19 Nokia submission; and on the right, we have the PowerPoint 20 slide from Ericsson from the workshop.</p> <p>21 MR. LUMISH: Can you make them bigger or maybe put 22 one on top of the other?</p> <p>23 Thank you.</p> <p>24 So I -- yeah, I need the -- exactly. Actually, 25 above that. So the four or five bullets above it, too. From</p>	<p style="text-align: right;">Page 92</p> <p>1 Mr. Caldwell didn't show you this part of Plaintiff's 2 Exhibit 299. These are the meeting minutes. 3 Let me make sure I've got the number correct. Sorry. 4 Plaintiff's Exhibit 299.</p> <p>5 He showed you these meeting minutes from the RAN2 6 Working Group. He didn't ask you about that bullet, I don't 7 think, unless I misheard, where it says: Ericsson is quite 8 happy with the Proposals 1 and 2.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Do you remember what Proposals 1 and 2 are?</p> <p>12 A. Not from the top of my head. Proposal 1, I have read 13 now during my testimony. And you showed it to me so that I 14 recall. And that is in line with what Ericsson has been 15 proposing before.</p> <p>16 Q. So Proposal 1 is the one that we looked at here in the 17 Nokia submission of using one -- of using a short form buffer 18 status reports when there's only one buffer to report. And a 19 long form buffer status report, when there's more than one 20 buffer to report. Are you surprised that Ericsson was happy 21 with that proposal?</p> <p>22 A. Not at all.</p> <p>23 Q. Why would you think Ericsson would be happy with it?</p> <p>24 A. Because it was consistent with our ideas and what we 25 were thinking.</p>

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<p>1 Q. Now, a couple of times Mr. Caldwell referred to a video 2 conference you and I had. Do you remember this? 3 A. Yes. 4 Q. And I think he also was suggesting to the jury there 5 that I -- I hid that from him. Do you remember me asking you 6 about that in your first minute or two of your testimony 7 today? 8 A. Yes, you did. 9 Q. Okay. And tell the jury more about that call, please, 10 the video conference you and I had. 11 A. In that video call we discussed -- I was asked about my 12 educational background, my work at Ericsson, my work in 3GPP. 13 We discussed a little bit about buffer status reporting. 14 We discussed the joint contribution and a patent by Johan 15 Torsner. 16 THE REPORTER: By who? I'm sorry, repeat that. 17 THE WITNESS: The name? 18 THE REPORTER: Yes. 19 THE WITNESS: Johan Torsner. 20 THE REPORTER: Thank you. 21 Q. (By Mr. Lumish) Now, earlier in your testimony on direct 22 you mentioned something about a patent application that you 23 thought showed to you that Ericsson had conceived of the 24 ideas of using a short form with a single buffer that needs 25 to report data and a long form when there's more than one.</p>	<p>1 later proposals after the joint Ericsson proposal? 2 You said you looked for prior. Why did you look for 3 prior instead of later? 4 A. I was looking trying to understand what led up to the 5 joint proposal. And I had no reason to believe I would look 6 at things after that. 7 Q. All right. I think my last question for you, sir, is, 8 Mr. Caldwell referred to an election. Do you remember that? 9 A. Yes. 10 Q. And in the election you were running to become vice 11 chair of some part of the standards body; is that right? 12 A. That's right. 13 Q. You lost that election to Mr. Sebire; is that fair? 14 A. I did. 15 Q. And how did you feel about that? 16 A. At the time it was my not preferred outcome, of course, 17 because if you're running, then you prefer to come out 18 winning. 19 But it's also -- it would be an honor to be chairman, 20 but it would also be a lot of work. And, frankly speaking, I 21 think I made a better job for Ericsson being a delegate. 22 Q. Do you hold a grudge against Mr. Sebire because he won 23 the election and you didn't? 24 A. No, I don't. 25 Q. Did you shade any of your testimony to our jury today</p>
Page 94	Page 96
<p>1 What -- what was the application or patent you had in 2 mind when you testified? 3 A. That was the same patent by Johan Torsner. 4 Q. And do you know if that patent ends -- excuse me -- do 5 you know if that patent ends in the number '666? 6 A. I think it does. 7 Q. Okay. Now, he also asked you about whether you knew -- 8 whether you thought of Apple as an adversary. You're not in 9 the legal department of Ericsson, are you? 10 A. I'm not. 11 Q. And are you aware of any lawsuits between Apple and 12 Ericsson? 13 A. No. 14 Q. So you -- you don't know if Apple and Ericsson have been 15 embroiled in lawsuits in any time in the past? 16 A. In the past I am aware, yeah, we have been in lawsuits. 17 But not any -- I'm not aware of any present. 18 Q. Okay. He -- Mr. Caldwell asked you if it crossed your 19 mind to look at any later dated proposals to the working 20 group or to the 3GPP, later dated than the joint Ericsson 21 proposal. 22 By the way, the reason I call it that, is Ericsson is 23 the first name. I've been calling it that for two years. I 24 don't think I'm going to be able to change now. 25 So he said: Did it cross your mind to look later -- at</p>	<p>1 because you lost that election? 2 A. No. 3 Q. Did you say anything today that you think is untruthful 4 because you lost some election at the working group level? 5 A. No. 6 Q. That's all I have for you, sir. Thank you very much. 7 MR. CALDWELL: Can I try and fit it in, in a minute 8 here? 9 THE COURT: All right. 10 RECROSS-EXAMINATION 11 BY MR. CALDWELL: 12 Q. Mr. Stattin, I'll try to be real quick, given the time. 13 You said that Apple and Ericsson used to be adversaries 14 in lawsuits, right? 15 A. I said that I am aware that Ericsson and Apple was in a 16 lawsuit. 17 Q. And they resolved those difference in December of 2015, 18 correct? 19 A. I don't have a clear picture of the entire timeline on 20 that. 21 Q. Prior to the resolution of that lawsuit, had you ever 22 contended that Mr. Sebire claimed inventions that weren't 23 his? 24 A. No. 25 Q. Did you ever offer to have a video conference with us?</p>

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1 A. I didn't have a video call with CCE. I met a CCE
 2 representative at the -- at my deposition, though.
 3 Q. And then when you had a discussion with Apple and talked
 4 about this Torsner patent, just to be clear, you didn't
 5 present any indication to the jury that that Torsner patent
 6 has any relationship to what we're talking about today, did
 7 you?
 8 A. I don't recall if I -- if I did or not.
 9 Q. Sir, you've not identified a single person who conceived
 10 of inventive concepts in Mr. Sebire's claims, correct?
 11 A. I still haven't seen the claims, so, sorry, I cannot
 12 answer that question.
 13 Q. So -- I may -- I may already know the answer to this,
 14 then. Do his claims address the unanswered question of what
 15 to do if a short format fits and a long one does not?
 16 A. I don't know.
 17 Q. And when his proposal was presented to the working
 18 group, Ericsson said it was happy, right?
 19 It was quite happy with this proposal, correct?
 20 A. Ericsson seemed so.
 21 Q. Do you remember the suggestion that I hid that -- that
 22 bullet point from the jury? Do you remember that suggestion
 23 just now?
 24 A. Can you repeat that question?
 25 Q. Yes, sir.

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1 down.
 2 All right. Ladies and Gentlemen of the Jury,
 3 you've put in a long half day, and we're going to recess
 4 until Monday morning at 9:00 a.m.
 5 Again, if you'll be here a few minutes early so we
 6 can start on time. I will, again, caution you not to talk
 7 about this case over the weekend with family or friends or
 8 anyone. Just put it out of your mind. Enjoy your weekend,
 9 and we'll pick it back up on Monday. We'll be in recess.
COURT SECURITY OFFICER: All rise.
 (Jury out.)
THE COURT: Please be seated.
 I just wanted to give you all your trial times
 before we adjourn.
 So the Plaintiff has used 8 hours and 18 minutes.
 Defendant has used 6 hours and 5 minutes.
 Is there anything that you need from the Court
 before I let you go for the weekend?
MR. CALDWELL: No, Your Honor.
MR. LUMISH: Nothing at all.
THE COURT: All right. Thank you very much. We'll
 be in recess until Monday at 9:00 a.m.
COURT SECURITY OFFICER: All rise.
 (Court adjourned until 9:00 a.m.,
 September 12, 2016.)

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1 Do you remember Mr. Lumish's suggestion that I did not
 2 show the jury that bullet point?
 3 A. No. I must have missed his saying that.
 4 Q. You don't remember him saying: Now, Mr. Caldwell didn't
 5 direct you to this part right here where it says Ericsson is
 6 quite happy with Proposals 1 and 2?
 7 You don't remember that?
 8 A. Now that you say it, yes, I remember it.
 9 Q. Who brought that document to court?
 10 A. You did.
 11 Q. Who directed the jury to that page?
 12 A. You did.
 13 Q. And in those minutes does it say that Ericsson stood up
 14 and said: Hey, this is our proposal. We talked about it a
 15 long time ago?
 16 A. That's not usually the way things are done in 3GPP.
 17 Q. It does not say that, does it?
 18 A. Doesn't say that, and that's not how we work in 3GPP.
 19 **MR. CALDWELL:** No further questions, Your Honor.
 20 Thank you.
 21 **THE COURT:** All right. Anything further?
 22 **MR. LUMISH:** No, Your Honor.
 23 **THE COURT:** Okay.
 24 **MR. LUMISH:** Nothing further. Thank you.
 25 **THE COURT:** All right. Dr. Stattin, you may step

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 2 CERTIFICATION
 3 IT IS HEREBY CERTIFIED that the foregoing is a
 4 true and correct transcript from the stenographic notes of
 5 the proceedings in the above-entitled matter to the best of
 6 our abilities.
 7 /s/
 8 CHRISTINA BICKHAM, CRR, RMR September 9, 2016
 Official Court Reporter
 9
 10
 11 /s/
 12 SHEA SLOAN, CSR, RPR
 Official Court Reporter
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